

John R. Kish, Chairman
William Wellford, Chief Judge, Ward 1
Jacki Anderson, Chief Judge, Ward 1
Rhonda Whitley, Esquire, Chief Judge, Ward 2
Ralphenia Tia Clark, Chief Judge, Ward 2



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8103 Sandy Spring Road
Laurel, Maryland 20707

CITY OF LAUREL BOARD OF ELECTION SUPERVISORS

November 3, 2023

Sent via email to: enrico@mcclearylawfirm.com
and Regular Mail via USPS

Enrico A. McCleary, II, Esquire
14123 Riverbirch Court
Laurel, Maryland 20707

Mr. McCleary,

As a certified candidate for the Ward 2 City of Laurel Council seat in the upcoming City of Laurel General Election, you were provided with the attached document in the candidate packet that contained a list of dates and even highlighted the dates that important items would be due in the future. One of those items was an interim campaign contribution and expenditure report that was due on Tuesday, October 24, 2023 at 12:00 pm. As of the date of this correspondence the Board has yet to receive an interim report from you or your campaign treasurer.

Sec. 6-35. - Penalties for certain prohibited conduct.

(a) A person who violates subsection 6-35(a) shall be guilty of a misdemeanor and upon conviction is:

(1) Subject to a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding sixty (60) days, or both; and

(2) Shall be ineligible to hold any public office for a period of four (4) years after the date of the offense.

(b) Any person, campaign finance entity, or committee who violates any of other provisions of the Code or Charter shall be guilty of a municipal infraction(s). The board shall have the power and authority to impose fines for said infractions not exceeding a fine of one thousand dollars (\$1,000.00). In addition to the board's power to impose fines for violations of any provision of this chapter or the Charter, the board shall have the authority and power to remove the candidate from the ballot. Any person aggrieved by any action of the board under this section shall have all the rights of appeal set forth in section 6-10 for violations of this chapter.

(c) **Assessment of late fees and penalties.** The board shall be authorized and empowered to assess late fees on any person, campaign committee, or campaign finance entity for failure to timely file any application, report, statement of contributions or expenditures, or any other material, information required under the Code or Charter,

or as may be requested by the board based on any submission made by a person responsible for filing the report, statement, or applications shall be assessed against any candidate, treasurer of any campaign finance entry, or campaign committee responsible for submission of the materials required under this section. **The late fee amount is twenty dollars (\$20.00) per day for every day or part of a day that a submission due to the board is overdue.** The clerk to the board shall accept for any late filed report, statement of contributions or expenses, and any other material required to be submitted under the Code, Charter or at the request of the board. Late fees shall not continue to accrue on any late filed report, statement of contributions or expenditures, or any other filing due under this section provided that the person required to make the submission fully and completely complies with the filing requirements. Notwithstanding the foregoing, incomplete submissions to the board required under the Code, Charter or at the board's request shall, in the board's discretion, continue to accrue late fees until all information required shall be properly submitted to the board. Person(s) responsible for filing any of the materials or information required under the Code **or Charter shall not pay directly, or indirectly any late fees assessed under this section using monies derived from contributions made to the candidate or campaign finance entity.**

As of the date of this letter, the interim report has not been filed, making the report at least eleven (11) days late, thus resulting in a fine of at least \$220. An additional \$20 fee continues to accrue for each day and each partial day until the report is submitted. Please also note that the interim report and the outstanding late fees shall be paid by Friday, November 3, 2023 by 4:00 pm at the Department of Budget and Personnel Services window or you risk being removed from the ballot and or being prohibited from taking office if you were successful in the election.

Sincerely,

John R. Kish

John R. Kish, Chairman
Board of Election Supervisors

cc: William Wellford, Chief Judge, Ward 1
Jacki Ricks, Chief Judge, Ward 1
Rhonda Whitley, Esquire, Chief Judge, Ward 2
Ralphenia Tia Clark, Chief Judge, Ward 2
Sara A. Green, CPM, CMC, City Clerk
Bruce L. Marcus, Legal Counsel to the Board